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March 31, 2022

***Via ECF***

Honorable Cathy L. Waldor, U.S.M.J.  
United States District Court for the District of New Jersey  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

Re: *BRG Harrison Lofts Urban Renewal LLC v. General Electric Company, et al.*  
*and Evanston Insurance Company v. Accredited Environmental*  
*Technologies, Inc., et al.,*  
Consolidated Action No. 2:16-cv-06577 (SRC-CLW)

Dear Judge Waldor:

We represent Plaintiff BRG Harrison Lofts Urban Renewal LLC ("BRG") in this consolidated matter. We write on behalf of BRG and Accredited Environmental Technologies, Inc. ("AET"). We understand that counsel for Environmental Waste Management Associates, LLC will submit a separate letter in accordance with the Fourth Amended Pretrial Scheduling Order (Dkt. 251) to advise the Court regarding the Parties' decision whether to proceed with mediation.

At this time, Plaintiff is unwilling to postpone discovery in favor of mediation but is willing to continue to discuss mediation as an option for resolving this matter in the future. Unlike BRG, AET agrees to participate in mediation at this time to avoid unnecessarily expending additional monies litigating this matter. To assist in successfully mediating the case at this juncture, Evanston Insurance Company, AET's insurance carrier and Plaintiff in the consolidated insurance coverage case, and J.S. Braddock Agency, AET's insurance broker and a Third-Party Defendant in the consolidated insurance case, have both also agreed to participate in mediation at this time.

The Parties continue to cooperate to schedule fact witness depositions. Indeed, the deposition of BRG's 30(b)(6) witness with respect to damages took place on March 14, 2022, and the Parties agreed that the witness could be made available again if requested by either

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AET or EWMA. Similarly, the Parties are currently planning to proceed with the 30(b)(6) depositions of AET and EWMA on April 7, 2022, and April 19, 2022, respectively.

The Parties do not anticipate requiring the Court's assistance with respect to moving discovery along while mediation is being discussed.

Thank you very much for your time and attention to this matter.

Respectfully,

*Dennis M. Toft*

DENNIS M. TOFT  
Member

DMT:da

Cc: All Counsel – *via ECF*